

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Francisco Melo-Cordero,

Plaintiff,

-against-

Shaddai Transport LLC et al.,

Defendants.

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1:21-cv-04837 (LAK) (SDA)

ORDER

STEWART D. AARON, UNITED STATES MAGISTRATE JUDGE:

Having reviewed the Complaint (ECF No. 1), the Court finds that Plaintiff has not met his burden of showing the existence of subject matter jurisdiction on the basis of diversity of citizenship. *See Conyers v. Rossides*, 558 F.3d 137, 143 (2d Cir. 2009) (party invoking federal jurisdiction bears burden of establishing that jurisdiction exists).

A federal court has “original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between . . . citizens of different States.” 28 U.S.C. § 1332(a)(1). “The Supreme Court has interpreted ‘citizens of different States’ to grant jurisdiction only ‘if diversity of citizenship among the parties is complete, *i.e.*, only if there is no plaintiff and no defendant who are citizens of the same State.’” *Platinum-Montaur Life Scis., LLC v. Navidea Biopharmaceuticals, Inc.*, 943 F.3d 613, 617 (2d Cir. 2019) (quoting *Wis. Dep’t of Corr. v. Schacht*, 524 U.S. 381, 388 (1998)).

A limited liability company “takes the citizenship of its members.” *Bayerische Landesbank, New York Branch v. Aladdin Capital Mgmt. LLC*, 692 F.3d 42, 49 (2d Cir. 2012) (citing *Handelsman v. Bedford Village Assoc. Ltd. P’ship*, 213 F.3d 48, 51 (2d Cir. 2000)). However, the Complaint does

not allege the citizenships of the members of Defendant Shaddai Transport LLC or Defendant FTVY Logistics, LLC.

Accordingly, it is hereby Ordered that, no later than July 21, 2021, Plaintiff shall file an affidavit or an amended complaint adequately establishing the existence of subject-matter jurisdiction as set forth above.

SO ORDERED.

Dated: New York, New York
July 7, 2021

A handwritten signature in black ink, reading "Stewart D. Aaron", is positioned above a horizontal line.

STEWART D. AARON
United States Magistrate Judge